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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/589,740 | 08/16/2006 | James Van Alstine | PU0407 | 9504 |
| 22840 7590 11/19/2009 GE HEALTHCARE BIO-SCIENCES CORP. PATENT DEPARTMENT 800 CENTENNIAL AVENUE | | | EXAMINER | |
| | | | KETTER, JAMES S | |
| PISCATAWAY | = | | ART UNIT | PAPER NUMBER |
| | | | 1636 | |
| | | | | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/19/2009 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

melissa.leck@ge.com

| | Application No. | Applicant(s) | | | | |
|--|---|--------------------|--|--|--|--|
| | 10/589,740 | VAN ALSTINE ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | James S. Ketter | 1636 | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | |
| Status | | | | | | |
| 1)⊠ Responsive to communication(s) filed on <u>08 Ju</u> | ly 2009. | | | | | |
| | · · · · · · · · · · · · · · · · · · · | | | | | |
| 3) Since this application is in condition for allowan | , — | | | | | |
| closed in accordance with the practice under E | closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Disposition of Claims | | | | | | |
| 4)⊠ Claim(s) <u>1-6,8-13,15 and 17-22</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5)⊠ Claim(s) <u>1-6 and 8-10</u> is/are allowed. | | | | | | |
| 6)⊠ Claim(s) <u>11-13,15 and 17-22</u> is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) are subject to restriction and/or | election requirement. | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examiner | ·. | | | | | |
| 10)⊠ The drawing(s) filed on <u>16 August 2006</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner. | | | | | | |
| | Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: | | | | | | |
| 1. Certified copies of the priority documents | 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No | | | | | |
| 2. Certified copies of the priority documents | | | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). | | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| | | | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) | 4) Interview Summary | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) | Paper No(s)/Mail Da 5) Notice of Informal Pa | | | | | |
| Paper No(s)/Mail Date | 6) Other: | | | | | |
| | | | | | | |

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Claims 1-6 and 8-10 are allowed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13, 15 and 17-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nochumson et al., for reasons of record set forth in the previous Office Action.

Applicants argue, in the amendment filed 8 July 2009, that Nochumson et al. does not teach the pore sizes of the invention, i.e., that restricts access to plasmids. However, at, for example, column 6, at the fifth full paragraph, Nochumson et al. teaches that supercoiled plasmid does not become bound to the resin as does RNA and other contaminants. Thus, plasmids are inherently restricted from the pores within the resin matrix. Applicants then argue that it is not taught that RNA is adsorbed onto the pores surfaces, and not bound tightly. However, the claims, as written, do not require that RNA be bound only and specifically onto the pore surfaces, and that the RNA be bound with any particular affinity. The instant claims do not recite the limitation of ligands on the pore surfaces to bind the RNA, and as such, Nochumson et al. is still properly applied as anticipating the instant claims.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Ketter whose telephone number is 571-272-0770. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSK 18 November 2009

/James S. Ketter/ Primary Examiner, Art Unit 1636